

Attorney Docket No.: 0045-1

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James E. Brehove

Group Art Unit: 3764

Serial No.: 10/077,521

Examiner: N/A

Filed: February 15, 2002

For: **TOPICAL APPLICATION FOR TREATING  
TOENAIL FUNGUS**

Matter No.: 0045-1

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JUN 12 2002

Assistant Commissioner For Patents  
Washington, DC 20231

Sir:

TECHNOLOGY CENTER R3700

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)**

In accordance with the duty of disclosure under 37 CFR. §1.97(b),  
Applicant hereby notifies the U.S. Patent and Trademark Office of the following  
documents, which are listed on the attached PTO-1449 Form. The Examiner may  
deem these documents to be relevant to patentability of the claims of the above-  
identified application. A copy of each of the documents is enclosed for the  
convenience of the Examiner.

The submission of the listed documents is not intended as an admission  
that any of the documents constitutes prior art against the claims of the present  
application. Applicants do not waive any right to take any action that would be  
appropriate to antedate or otherwise remove any listed document as a competent  
reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered  
by the Examiner and be made of record in the present application and that an initialed  
copy of Form PTO-1449 be returned in accordance with MPEP §609.

It is understood that no fee is necessary for submission of this  
Information Disclosure Statement, as it is being filed before the later of three months  
from the filing date or the mailing of the first Office Action on the merits.

For the reasons set forth above, it is submitted that no additional fee is required for this Information Disclosure Statement. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that applicant's attorney be contacted and accorded an opportunity to pay such additional fee.

Respectfully submitted,



Ernest D. Buff  
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**Enclosures**

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Dated: May 25, 2002

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 25, 2002.



*Signature*

Ernest D. Buff  
*Attorney of Record*

May 25, 2002  
*(Date)*

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